

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GENE OUTLAW-BEY,

Petitioner,

ORDER  
04 CV 3787 (ILG)

-against-

UNITED STATES OF AMERICA,

Respondent.

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GLASSER, United States District Judge:

The petitioner filed a motion pursuant to 28 U.S.C. § 2255 which this Court denied on November 23, 2004. He then filed a notice of appeal from that adverse determination together with a request for a Certificate of Appealability (“COA”). The Court of Appeals, in an Order dated September 27, 2005, dismissed his appeal for the reason that he had not provided either a certificate of appealability from this Court, nor a denial of his request for one from this Court.

On October 6, 2005, the petitioner filed this motion requesting a “Resentencing/Evidentiary Hearing and/or a COA.”

His motion for a COA is hereby denied for the reason that he has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

SO ORDERED.

Dated:           Brooklyn, New York  
                  November 16, 2005

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/S/

I. Leo Glasser

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